

November 2, 2009 - Regular Town Council Meeting

At a Regular Meeting of the Town Council of the Town of Middletown, RI, held at the Middletown Town Hall on Monday, November 2, 2009 at 6:00 P.M.

Council President Christopher T. Semonelli, Presiding

Vice Chairman Richard Cambra

Councillor Frank A. Bozyan

Councillor M. Theresa Santos

Councillor Edward J. Silveira, Jr.

Councillor Robert J. Sylvia

Councillor Barbara A. VonVillas, Members Present

EXECUTIVE SESSION

Pursuant to provisions of RIGL, Sections 42-46-2., 42-46-4. and 42-46-5. (a) (5) Land Acquisition and (2) litigation (RIDEM vs. Town of Middletown).

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to recess this meeting at 6:01P.M. and reconvene in executive session.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to reconvene this meeting in open session at 6:55 P.M.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to reject the land acquisition proposal.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to seal the minutes of the executive session pursuant to

Section 42-46-7. RIGL.

Councillor Santos requested a moment of silence to honor Veterans for Veterans Day, November 11, 2009.

Councillor Silveira recused himself from acting on the following item #1 of business, due to a possible conflict of interest.

ACTING AS A BOARD OF LICENSE COMMISSION

1. Application of Robert Sanches dba The Briarwood, 93 Aquidneck Avenue for RENEWAL of a Class C Liquor License for the 2009-2010 licensing year. (Requires Advertising for Public Hearing)

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to advertise said license renewal application for a public hearing to be held at the December 7, 2009 regular meeting of the

board.

CONSENT CALENDAR

Vice Chairman Cambra requested that items #7 and #9, be heard under the Town Council portion of the docket.

1. Approval of Minutes – Regular Meeting, October 19, 2009.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to approve said minutes.

2. Approval of Minutes – Special Meeting, October 22, 2009.

On motion of Vice Chairman Cambra, duly seconded, it was voted

unanimously to approve said minutes.

3. Communication of Tax Collector, with enclosures, re: Cancellation of taxes for certain Middletown taxpayers.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said communication.

4. Resolution of the Council, re: Cancellation of taxes for certain Middletown taxpayers.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to pass said resolution.

5. Communication of Tax Collector, with enclosures, re: Cancellation of taxes for certain Middletown taxpayers.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said communication.

6. Resolution of the Council, re: Cancellation of taxes for certain Middletown taxpayers.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to pass said resolution.

7. Communication of Town Administrator, with enclosures, re: Financial Statements for period ending September 30, 2009.

Councillor Santos questioned the Parks and Recreation revenue comparing the beach parking revenue from 2008 to 2009.

Finance Director Lynne Dible responding to Councillor Santos noted that revenues decrease by One hundred thousand dollars, after normalization, in 2009.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said communication and financial statements.

8. Memorandum of Town Administrator, with enclosure, re: Surplus Computer, Old Police Station.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum.

Councillor Santos recused herself from acting on the following item #9, due to a possible conflict of interest.

9. Resolution of the Council, re: Authorization to declare Surplus Property and sell, dispose or transfer surplus property.

Councillor Sylvia noted that the Middletown Historical Society is in need of one, possible two computers for record keeping.

Town Administrator Shawn Brown explained that the computer being surplused will be given to the Middletown Historical Society and if the Council wishes the resolution may be amended to include an additional computer.

On motion of Vice Chairman Cambra, duly seconded, to pass said resolution; Vice Chairman Cambra amended said resolution to include an additional computer, duly seconded, it was voted unanimously to pass said resolution, as amended.

10. Minutes, re: Aquidneck Island Coop/Mentor Group.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said minutes.

11. Communication of Town Clerk, Town of Cumberland, with enclosure, re: Resolution in opposition Binding Arbitration Legislation for Teacher's Contracts.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said communication.

12. Resolution of the Town of Portsmouth, re: In opposition to Binding Arbitration Legislation for Teachers' Contracts.

On motion of Vice Chairman Cambra, duly seconded, it was voted

unanimously to receive said resolution.

13. Resolution of the City of East Providence, re: In opposition to Binding Arbitration Legislation for Teachers' Contracts.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said resolution.

14. Resolution of the Town of Westerly, re: In opposition to Binding Arbitration Legislation for Teachers' Contracts.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said resolution.

15. Resolution of the Jamestown School Committee, re: In opposition to Binding Arbitration Legislation for Teachers' Contracts.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said resolution.

16. Resolution of the Smithfield School Committee, re: In opposition to Binding Arbitration Legislation for Teachers' Contracts.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said resolution.

17. Communication of J.P. Wisecup, Rear Admiral, U.S. Navy, re: Appreciation for Assistance to the Naval War College.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said communication.

18. Communication of Paula A. Bradley, Dale R Bradley, Norma Silvia, Chairpersons for the 2010 Camp-O-Rama, re: Appreciation for use of Sachuest Beach from the Quahaug Chapter #48.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said communication.

19. Special Events Permits five (5) from the following named persons, firms or corporations 1) Middletown Recreation, 2nd Annual Thanksgiving Eve Community Bonfire, Sachuest Beach, Wednesday, November 25, 2009 from 6pm until 8pm 2) Newport Running Club, Newport Fed Pie Run, 5 mile race from YMCA to Sachuest Beach and return, Thursday, November 26, 2009 from 7am until 11am 3) St. George's School, Boston Bruins Alumni Hockey Game, St. George's Ice Arena, Saturday, December 19, 2009 from 3pm until 6pm 4) Rehm/Spencer Wedding Ceremony, Dunlop Wheeler Park, Saturday, June 26, 2010 from 2pm until 7pm.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to grant said special events permits.

20. Application of Hymie Ernest Beaufort, 67 Vigilant Street, for RENEWAL of a Private Detective License for the 2009-2010 licensing year.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to grant said license renewal.

TOWN COUNCIL

1. Resolution of the Council, re: Commendation for First Robotics and Technology Team of Newport County.

Council President Semonelli read and presented the commendation to Lianna Fenton, representative of the First Robotics Technology

Team of Newport County.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to pass said resolution.

Councillor Silveira recused himself from acting on the following item #2 of business, due to a possible conflict of interest.

2. Application of Thomas Medeiros dba Java Jungle (Tim Hortons), 159 East Main Road for a Victualling House License for the 2008-2009 licensing year. (NEW)

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to grant said license, contingent on Building Official, Fire Marshall, Board of Health and Public Works approvals.

**3. Application of Shaws, 71 East Main Road, for a Mechanical Amusement Device License for the 2009-2010 licensing year. (NEW)
(One Game)**

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to grant said license.

4. Public Hearing (Advertised)

(Public Hearing Remains Open)

An Ordinance of the Town of Middletown (Second Reading)

**An Ordinance in amendment to the Town Code of the Town of Middletown, Title IX, General Regulations, Chapter 101, Tents.
(Planning Board recommendation attached)**

Public Hearing Remains Open.

Councillor Santos questioned Fire Marshal Karpovitz concerning any mishaps within the Town prior to the establishment of this ordinance.

Fire Marshal Karpovitz, responding to Councillor Santos, noted that to date there have been no mishaps within the Town and the ordinance has been established to comply with state law.

There being no other persons present desiring to be heard on this matter, public hearing is declared closed.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to adopt said ordinance on its second reading.

5. Communication of Kevin and Jackie Zahm, 17 Reardon Drive, re: Requesting Town to abandon or remove improvements of a small section of Reardon Drive.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to continue this matter to the December 7, 2009, regular meeting of the Council.

6. Memorandum of Councillor VonVillas, with enclosures, re: Aquidneck Island Planning Commission Benefits of Funding.

Councillor VonVillas noted that she is the Council liaison for the Aquidneck Island Planning Commission. Ms. VonVillas explained the benefits receive from the grant funding, which the Aquidneck Island Planning Commission has attained.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum.

7. Memorandum of Councillor Santos, re: Hunger Never Takes A

Holiday – Request colleagues and town employees to donate non perishable items.

Councillor Santos noted the need for donations of non perishable food items within the community. Ms. Santos requests that all colleagues and Town employees donate items to help the cause and she will match each item donated.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum.

8. Memorandum of Town Administrator, re: Dissolution of Defunct Committees.

Town Administrator Shawn Brown reviewed his memorandum entered here:

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum.

On motion of Council President Semonelli, duly seconded, it was voted unanimously to dissolve the Information Technology Advisory Committee and the Census Complete count Committee.

9. Appointment of one (1) member to the Library Board of Trustees for a term expiring September 2012.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to appoint Ellrony (Ron) Williams to the Library Board of Trustees to complete a term expiring September 2012.

10. Appointment of two (2) members to the Open Space and Fields Committee for terms expiring November 2012.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to reappoint Cheryl Boergesson and Arthur R. Thomas to the Open Space and Fields Committee for terms expiring November 2012.

11. Appointment of one (1) member to the Substance Abuse Prevention Task Force to complete a term expiring March 2011.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to appoint Scott McLeish to the Substance Abuse Prevention Task Force to complete a term expiring March 2011.

12. Appointment of one (1) member to the Substance Abuse Prevention Task Force to complete a term expiring March 2012.

On motion of Vice Chairman Cambra, duly seconded, it was voted

unanimously to appoint Bruce Long to the Substance Abuse Prevention Task Force to complete a term expiring March 2012.

PUBLIC FORUM SESSION

Pursuant to Rule 23 of the Rules of the Council, Citizens may address the town on one (1) subject only, said subject of substantive Town business, neither discussed during the regular meeting nor related to personnel or job performance. Citizens may speak for no longer than five (5) minutes and must submit a public participation form to the Council Clerk prior to the start of the meeting.

John W. Bagwill, 587 Tuckerman Avenue, expressed concern that the Planning Board was revising the current Wind Turbine Ordinance without written direction from the Council. Mr. Bagwill urges the Council to request the Planning Board to discontinue ordinance revisions until the Council gives written instructions. He also requests the Council to hold a public hearing to receive input for revisions to the Wind Turbine Ordinance.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to adjourn this meeting at 7:30 P.M.

Wendy J.W. Marshall, CMC

Council Clerk

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